

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

MINES & MINERALS – Revision Petition filed by M/s Shiva Shankar Minerals Private Limited – MoM, GoI remanded back the case - Disposed off by dropping further action proposed in the Demand Notice Dt.08.10.2018 – Orders – Issued.

INDUSTRIES & COMMERCE (M.III) DEPARTMENT

G.O.Ms.No. 85

Date:14.12.2021

Read the following:

1. Demand Notice No.6737/M5/2012, DT.05.03.2013 of the DDM&G, Guntur.
2. Revision Application No.02/13/2015-Rc-II filed before GoI by M/s Shiva Shankar Minerals Private Limited.
3. From the Joint Secretary & Revisionary Authority, MoM, GoI, New Delhi Orders Dt.29.01.2018 in Revision Application No.02/13/2015-Rc-II.
4. Govt Memo No.1129/M.III(2)/2018 Date : 20/02/2018.
5. From the DM&G, AP., Lr.No.27489/D7/2015, Dt.28.06.2020.
6. Govt Memo No.1129/M.III(2)/2018 Date : 06.08.2021.
7. From the DM&G, AP., Lr.No.27489/D7/2015, Dt.14.09.2021.

ORDER:-

Based on the case referred by the ADM&G, Vigilance Squad, Hyderabad, a Demand Notice was issued to M/s Shiva Shankar Minerals Private Limited, vide Notice 1st read above, directing them to pay an amount of Rs. 55,89,30,000/- for having evaded royalty for the quality of 1,68,000 MTs of Iron Ore.

2. Aggrieved by the Demand notice, M/s Shiva Shankar Minerals Private Limited vide Petition 2nd read above, has filed Revision Application before the Government of India, challenging the said Demand Notice, submitting that they participated in tender for sale of Iron Ore fines of M/s STCL Limited for a quantity of 50,000 MTs laying at Krishnapatnam Port on FOB Sale basis with agreement for a quantity of 1,26,786 MTs to M/s Mysore Minerals Limited with bulk permits issued by the Dy. Director of Mines and Geology, Hospet in favour of M/s Mysore Minerals Limited which is an undertaking of Karnataka State Government and requested to Set-aside the Demand Notice.

3. The Government of India, Ministry of Mines, in their final orders 3rd read above, while disposing the revision application of M/s Shiva Shankar Minerals Private Limited observed that penalty was imposed without verifying the facts, i.e., export of the minerals, payment of Royalty and not providing opportunity to the revisionist for hearing and raised demand of Rs.55,89,30,000/- and remanded back the case to the State Government with direction to conduct a fresh enquiry and decide the matter after giving opportunity to the revisionist for hearing and to take appropriate action as deemed fit vide GoI, Lr.dt.01.02.2018.

4. Accordingly, Government, Memo 4th read above, while forwarding a copy of the said final order, requested the DM&G, AP., to examine the matter and to furnish report to the Government for taking further necessary action in the matter.

5. The DM&G., AP., vide Letter 5th & 7th read above, has stated that after

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verification of the entire issue with M/s Karnataka State Minerals Corporation Limited (Formerly known as Mysore Minerals Limited) M/s STCL (Spices Trading Corporation Limited) and M/s Future Resources (India) Private Limited, Bangalore and their records, the DDM&G, Nellore certified that quantity of 1,18,000 MTs of Iron Ore transported by M/s Shiva Shankar Minerals Private Limited royalty covered and genuine as per the statements of the said firms and Rs. 16,63,48,214/- is arrived for the quantity of 50,000 Mts Iron Ore, which may be tagged to M/s Future Resources India Private Limited along with STCIL who were responsible for conducting auction of Material through Tenders on FoB basis. Further, enquiry was already conducted by the DDM&G, Guntur & DDM&G, Nellore, duly holding personal hearing with the revision petitioner on 27.10.2018 at 11.00 AM and the said personal hearing holds good. He has therefore requested the Government to issue necessary orders in the matter.

6. Government, after careful examination of the entire matter, hereby drop further action proposed against M/s Shiva Shankar Minerals Private Limited, in the Demand Notice vide 1st read above, since it is not supported by any documentary evidence or inspection reports as pointed out by the MoM, GoI, vide Orders 3rd read above.

7. The DM&G, AP., is requested to take suitable action against the concerned officials who raised the Demand Notice vide 1st read above, without verifying the facts, i.e., export of the minerals, payment of Royalty and not providing opportunity to the revisionist for hearing. He is also requested to ensure that the amount arrived for the quantity of 50,000 Mts Iron Ore shall be tagged to M/s Future Resources India Pvt. Ltd so that no revenue loss is caused.

8. The Director of Mines & Geology, Government of Andhra Pradesh, Vijayawada shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT (MINES)

To

The Director of Mines & Geology, AP., Vijayawada.
M/s Shiva Shankar Minerals Private Limited, Door No. 8-2-293/82/A,
Plot No. 739-A, Road No. 73, Jubilee Hills, Hyderabad

Copy to

The Joint Secretary & Revisionary Authority, Ministry of Mines,
Sastry Bhavan, New Delhi - 110001

The Dy. Director of Mines & Geology, Guntur District.

The Dy. Director of Mines & Geology, Nellore District.

The OSD to Hon'ble Minister (M&G)

The P.S to Prl., Secy (Mines).

✓ F/SC. (Comp. No:380808)

//FORWARDED : BY ORDER//


SECTION OFFICER
